

### **REMARKS**

The Office Action dated October 15, 2001 has been received, its contents carefully noted, and the applied citations thoroughly studied. Accordingly, the foregoing revisions to the specification and claims are tendered with the conviction that patentable contrast has now been made manifest over the known prior art and certain typographical inexactitudes have been rectified to provide better form. Accordingly, all rejections tendered by the Examiner in the above-referenced Office Action are hereby respectfully traversed and reconsideration is respectfully requested.

At the outset, undersigned gratefully acknowledges the Examiner's perceptions of patentability as it pertains to claims 5 through 7. Undersigned has amended claim 2 in conformance therewith.

Undersigned is also appreciative of the Examiner's guidance as to interpreting the claims in light of the perceived problems under section 112. The gist of the Examiner's suggested reading of the problem areas of these claims has, for the most part, been adopted.

However, undersigned takes exception to the Examiner's rejection of claim 1 (and 3) under 35 U.S.C. § 103(a). Succinctly, the Examiner has failed to provide a prima facie case for obviousness:

It is Black Letter Law the Patent and Trademark Office's burden is to establish a prima facie case of non-obviousness. The Patent and Trademark Office is relieved of its burden when it fully describes: 1) What the reference discloses, teaches and suggests to one skilled in the art; 2) What the reference lacks in disclosing, teaching or suggesting vis-à-vis the claimed features; 3) What particular teaching or suggestion is being relied upon either via a reference itself or knowledge of person of ordinary skill in the art; 4)

A statement explaining the proposed modification in order to establish the prima facie case of obviousness; and finally 5) the motivation behind the statement of obviousness which comes from three sources: a) teachings of the prior art; b) nature of the problem to be solved; or c) knowledge of persons of ordinary skill in the art, *see In re Rouffet* 47 USPQ2d 1453 (Fed. Cir. 1998).

Nothing in the art of record reveals first and second bonus games both serially following the primary game or independently in accessible such that the second bonus game derives directly from the primary game. The Examiner is legally incorrect for setting out an obviousness rejection which violates the above, binding compelling precedent.

The citation of Jaffe is detailed in its teachings. Its failure to teach an important feature as claimed herein supports patentability.

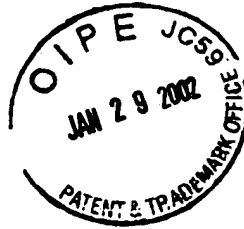
In view of the foregoing, it is respectfully requested that the Examiner pass this case to issue. If, upon further consideration, the Examiner believes further issues remain outstanding or new ones have been generated, undersigned respectfully requests that the Examiner call undersigned to expeditiously resolve same.

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Respectfully Submitted:



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Claim 1 - A gaming device, comprising, in combination:

- wager accepting means,
- a display,
- processor means for operating said display as a function of a player activating said wager accepting means by placing a wager,
- a primary game on said display having particular outcomes thereon, and
- first and second bonus games, both of said bonus games are accessed via said particular outcomes on said primary game, said first bonus game also includes means to play said second bonus game.

Claim 2 - A gaming device, comprising, in combination:

- wager means,
- a display,
- a processor [and random generator means] coupled to said wager means [and said display] to activate a random generator means to generate a primary game on said display upon activation of said wager means,
- a first bonus game enabled by a certain outcome from said primary game, and a second bonus game enabled by a certain outcome from said first bonus game wherein said second bonus game is also accessed by an outcome from said primary game and wherein said first bonus game is defined by a path which is to be traversed, spots on said path resulting in credits should a player land thereon and a terminus of said path leading to said second bonus.

Claim 4 - A gaming method, the steps including:

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accepting a wager,  
displaying a primary game,  
providing a primary game first outcome which leads to a first bonus game embodied as a pathway, [and]  
providing a first bonus game outcome which leads to a second bonus game embodied as a pathway and providing a primary game record outcome which leads to said second bonus game.

Claim 6 - The device of claim [5] 2 wherein spaces are provided on said path which end said first bonus game should the player land thereon.

Claim 7 - The device of claim 6 wherein said second bonus game includes a road upon which a vehicle travels and plural establishments along said road [which if stopped at trigger an award of credits] , and the player is awarded credits when the vehicle stops at an establishment.

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